



**UNITED STATES DEPARTMENT OF COMMERCE**  
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AT

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/297,289      | 04/28/99    | MOTEKI               | M 551512/058        |

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MMC2/1108

| EXAMINER    |              |
|-------------|--------------|
| ROSKOSKI, B |              |
| ART UNIT    | PAPER NUMBER |

2859

DATE MAILED:

11/08/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

297289

Applicants

Moteki

Examiner

Roskoski

Group Art Unit

2859

☒ Responsive to communication(s) files on preliminary amendment \_\_\_\_\_.

☐ This action is **Final**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under ex parte Quayle, 1935 C.D. 11; 453 O.G. 213

A shortened statutory period for response is set to expire 3 Month(s), from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133) Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of claims

☒ Claim(s) 14-50 is/are pending in the application.

☐ Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claims \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ is/are allowed.

☒ Claims \_\_\_\_\_ 14-50 \_\_\_\_\_ are subject to restriction or election requirement.

## Application papers

See the attached note of draftsperson/s patent drawing review, PTO-948.

☐ The drawings filed on \_\_\_\_\_ is/are objected to by the examiner.

☐ The proposed drawing correction filed on \_\_\_\_\_ is approved disapproved.

☐ The specification is objected to by the examiner.

☐ The oath or declaration is objected to by the examiner,

## Priority under 35 U.S.C. § 119

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d)

☐ all ☐ some ☐ none of the certified copies of the priority documents have been

☐ received.

☐ received in Application no. (Series code/serial number) \_\_\_\_\_.

☐ received in this national stage application from the international bureau (pct rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

☐ Acknowledgment is made of the claim for domestic priority under 35 U.S.C. § 119(e)

## Attachment(s)

☐ Notice of References Cited PTO-892

☐ Information disclosure Statement(s), PTO-1449, Paper No.(s)

☐ Notice of draftsperson patent drawing review, PTO-948

☐ Notice of informal Patent Application, PTO-152

☐ Attachment AF After Final Facsimile program

--See office action on the following pages ---

### Part III.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

1. Claim [14-40], drawn to spring classified in Class [428].
2. Claims 40-50[ drawn to timepiece drive mechanism ,classified in class 368.

Inventions [1 and [2 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability and (2) that the subcombination has utility by itself or in other combinations. (MPEP 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed for patentability because the s shaped curvature . The subcombination as claimed has separate utility such as a spring for a toy etc.

Because these inventions have been shown to be distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications and since the search is not necessarily coextensive, restriction for examination purposes is proper. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though this requirement be traversed.

Any inquiry Concerning this communication or earlier communications from the examiner should be directed to examiner Roskoski, whose telephone number is (703)-308-3095. The examiner can normally be reached on Monday - Thursday from 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's super-

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Art Unit 2859

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visor **Mr. Gutierrez**, can be reached on (703)-308-3875. The fax phone number for this Group is (703) 305--34[31,32]. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-9056.

November 3, 2000



**Bernard Roskoski**  
**Primary Examiner**

**Art Unit 2859**